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GENERAL ASSEMBLY
Forty-fifth session
Items 92, 103, 112 and 113 of the
preliminary list*
EFFECTIVE IMPLEMENTATION OF UNITED
NATIONS INSTRUMENTS ON HUMAN RIGHTS
AND EFFECTIVE FUNCTIONING OF BODIES
ESTABLISHED PURSUANT TO SUCH
INSTRUMENTS
CRIME PREVENTION AND CRIMINAL JUSTICE
TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT
ENHANCING THE EFFECTIVENESS OF THE
PRINCIPLE OF PERIODIC AND GENUINE
ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 3 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Afghanistan. I have underlined passages of special relevance.

In view of the importance of this information, I have the honour to request that the present letter and the attached extract be issued as an official document of the General Assembly, under items 92, 103, 112, and 113 of the preliminary list, and of the Security Council.

(Signed) Ephraim DOWEK
Ambassador
Deputy Permanent Representative
and Chargé d'affaires a.i.

* A/45/50.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1990

Printed for the use of the Committees on Foreign Affairs and Foreign Relations of the House of Representatives and the Senate respectively

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* Underlining has been added by the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations.

NEAR EAST, NORTH AFRICA, AND SOUTH ASIA

AFGHANISTAN*

The Peoples' Democratic Party of Afghanistan (PDPA) came to power in a coup in 1978 and imposed a totalitarian system backed by a Soviet invasion in 1979. Since its establishment, the regime has faced continuous armed opposition--supported by a large portion of the population. Unable to subdue the resistance of tens of thousands of armed "mujahidin" fighters, the Soviet Government began a 9-month troop withdrawal which was completed on February 15, 1989. The regime's control has been reduced to Kabul and other population centers, garrisons to protect them, and some lines of communication if the regime uses sufficient military force to protect them. While the regime has been able to stave off a final victory by mujahidin troops, it has been unable to expand its area of control. In February the regime declared a state of emergency and put political power in the hands of a 20-member Supreme Military Council for the Defense of the Homeland. Fighting between regime and resistance forces continued throughout 1989.

During its war of occupation, the Soviet Union employed massive air and artillery bombardments and emplaced millions of mines. The fighting generated over 5 million refugees, one-third of Afghanistan's prewar population. International observers estimate that over 1 million Afghans have died as a direct consequence of the war.

For its part, the resistance has sought to attain a greater degree of political unity and offer an alternate form of government while continuing its efforts to oust the Kabul regime. Disunity among resistance groups, however, has contributed to the regime's ability to survive. In February 1989, representatives of the major resistance parties formed the Afghan Interim Government (AIG) to oversee a transfer of power. Since its establishment, the AIG has been organizing its ministries and seeking to broaden its support, although by year's end much work remained to be done.

Internal security functions in regime-controlled areas are performed primarily by the secret police under the Ministry of State Security (WAD). More than 25,000 Afghans are thought to work for the Ministry, with Soviet security advisers.

The Afghan economy is basically agricultural, with land tenure in the hands of individuals or family/tribal groups. An entrepreneurial/trading class and some small scale manufacturing exist. Continued fighting through 1989 added to the already tremendous dislocation suffered by the economy in the war. As a result of war damage, as well as abandonment and neglect, the economic infrastructure will require years to recover.

There was little change in the human rights situation in 1989. On the one hand, the regime allowed a political group, the National Salvation Society, to form, and published a list, with profound apologies, of the names of 11,000 people executed during the first 20 months following the coup in

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*Since the American Embassy in Kabul was closed for security reasons in January 1989, the United States has no official observers in Afghanistan. This report therefore draws to a large extent on unofficial sources.

1978. On the other hand, the February state of emergency limited still further freedom of expression and public assembly and the right to privacy. Virtually all of the categories of human rights discussed in this report are denied outright or are severely restricted. The U.N.'s Special Rapporteur, in his report issued on October 30, 1989, sets the number of political prisoners at 3,000, with the conditions of prisoners awaiting trial or verdict described as deplorable.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Arbitrary killing and other acts of violence against suspected opponents of the Kabul regime were commonplace. Executions continued in Afghan prisons, often following summary trial and conviction--sometimes for political offenses--by special courts. Reportedly, regime forces and some mujahidin groups have executed prisoners in the field. The fierce fighting early in the year around the city of Jalalabad involved reported mujahidin executions of regime troops who had surrendered.

There have also been murders of Afghans both inside and outside Afghanistan which have been ascribed to mujahidin groups as well as to WAD agents.

b. Disappearance

Disappearances continued in areas under regime control. This is frequently the result of the impressment into military service of males as young as 13 years old. Some persons also disappear as a result of the action of mujahidin, who have been reported to have abducted or captured regime military and civilian cadre and suspected regime collaborators.

In its October report, Asia Watch cites five cases of disappearances of intellectuals and alleges that throughout the conflict the distribution of arms and aid has been an important factor in the conflict among resistance groups and that aid workers and intellectuals have been a frequent target of attack.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Regime authorities frequently use torture to punish or to extract information or confessions. The practice is sufficiently widespread to indicate that it has official sanction. Torture techniques include both physical and psychological abuse; the use of electric shock to sensitive areas of the body, immersion in water, and beatings are common forms of abuse reported by victims and witnesses. Threats of abuse against family members and prolonged sleep deprivation are typical forms of psychological torture. Some reports describe cases of mental disturbances induced by torture in regime prisons.

In its 1989 Report, covering 1988, Amnesty International (AI) noted that it had continued to receive reports of the torture and ill-treatment of prisoners, although again, as noted in its 1988 report, on a smaller scale than in previous years.

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AFGHANISTAN

d. Arbitrary Arrest, Detention, or Exile

There are no legal safeguards to prevent arbitrary arrest or detention. Afghans living in areas controlled by the regime face unwarranted seizure by security personnel. Often, detainees are either not told of the charges against them before trial or are simply not brought to trial. Arrest warrants are not issued, and the right to judicial determination of the legality of detention is not accorded. Detainees typically are held incommunicado, sometimes for years, as is the case with several hundred prisoners held in the WAD sections of Pol-e-Charkhi prison. Although bail is sometimes granted, it is not a standard feature of the regime's legal procedures. Formal charges may come only after months of interrogation.

There were continuing instances of arbitrary detention in 1989, principally as a result of the impressment of civilians into military service in Kabul and, to a lesser extent, in other cities controlled by the regime. The Kabul regime's military and secret police continue to impress large numbers of underage boys into the military, taking them from the street and sometimes from classrooms and homes. The authorities do not inform the parents of the young men of their impressment. Relatives of soldiers who desert are often arrested by the regime to punish the deserters and deter others from deserting. Since the Soviet departure, regime impressments have been stepped up.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

All courts are controlled by the ruling PDPA, and defendants may be denied their legal rights because of charges regarding their political beliefs. Most persons accused of nonpolitical crimes are tried in the ordinary criminal court system under the norms of judicial codes in existence before the PDPA coup of 1978. Those political detainees who are charged and brought to trial are usually arraigned on allegations of treason, espionage, or terrorism and are tried and sentenced in secret. As a rule, they must provide their own defense, without benefit of counsel.

Death sentences generally are carried out quickly after a perfunctory review by the authorities. There is no mechanism to appeal a death sentence. The U.N.'s Special Rapporteur for Afghanistan, in his report of October 30, 1989, notes this as a contradiction to Article 14(5) of the International Covenant on Civil and Political Rights, to which Afghanistan is a party. According to the 1987 Constitution, death sentences are carried out after the approval of the President. In areas not controlled by the regime, civil and criminal cases are tried by Islamic judges (qazis) and community elders under Islamic, or Shari'a, law and according to Afghan custom. Asia Watch reports that trials of Afghan prisoners by mujahidin parties during the war do not conform to internationally recognized standards of fair trial.

No precise estimate is available on the number of political prisoners held by the regime, but observers agree that it is at least 3,000. The mujahidin are not known to hold political prisoners, although they do detain Soviet and regime personnel for extended periods. An unknown number of Soviets, captured prior to the withdrawal, are still being held by the

resistance in the hope of exchanging them for prisoners held by the regime and, the resistance claims, by the U.S.S.R.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Constitutional protections were suspended by the February 17 declaration of a state of emergency. Afghans complain that regime forces routinely employ sweeps through residential areas and confiscate property, including homes. Telephones are frequently tapped and correspondence monitored.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Prior to its withdrawal in mid-February, the Soviet Union launched an intense campaign of bombardment along supply and evacuation routes as well as in areas where regime garrisons were hard pressed by resistance forces. These attacks caused large numbers of casualties indiscrimately among the civilian population. Following Soviet withdrawal, the Kabul regime continued high altitude bombing and began frequent launches of inaccurate yet powerful Scud surface-to-surface missiles. At least 1,000 Scuds were launched between February and late October, causing, together with bombings and artillery barrages, hundreds of additional civilian deaths and injuries. Regime and Soviet forces placed millions of landmines around fortifications or scattered them by artillery or aircraft during the Soviet occupation. More have been used by the regime since the Soviets left (and a lesser number of mines, especially antitank mines, have been sown by the mujahidin). Nothing has been done by the Soviets or the regime to remove them or help the U.N. accomplish the task. Although the U.N. has sponsored a program to detect and remove mines, the mines will pose a significant hazard to civilians for years.

Mujahidin rocket attacks against airfields and military positions under government control have also caused numerous civilian casualties. Asia Watch, in a report published in November, focused on allegations of human rights abuses perpetrated by various resistance groups, most frequently the Hezb-e-Islami of Gulbuddin Hekmatyar. These included politically motivated murders and kidnapings of Afghan refugee intellectuals, killing of prisoners, and indiscriminate attacks on government-controlled civilian targets.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional provisions regarding freedom of expression were suspended under the February 17 declaration of a state of emergency. The regime tolerates almost no criticism in the public media, and private criticism can result in detention and arrest. Afghans are guarded in their conversations lest antiregime comments be reported to the secret police. There is no academic freedom, leading to a continuing exodus of academics and intellectuals, and the educational infrastructure is seriously at risk. All media are owned and controlled by the regime and tightly supervised. The press, radio, and television are used exclusively to convey the regime's policy and interpretation of world events. The unlicensed import and sale of non-Soviet video and audio tapes, magazines, books, and posters are forbidden, although this ban is generally

ineffective. Western radio broadcasts in local languages are frequently jammed, although some programs do get through.

b. Freedom of Peaceful Assembly and Association

There is no freedom of peaceful assembly and association in areas controlled by the regime. The February declaration of a state of emergency put further limits on constitutional rights to assemble. A 1987 party decree passed by the Revolutionary Council theoretically provided for the expression of political views at variance with those of the PDPA, but the party continues to set the bounds for acceptable dissent. While political demonstrations do occur, they are invariably staged by the Government. Attempts to hold unauthorized peaceful assemblies are dealt with forcefully. Large numbers of people from the upper and middle classes have fled the country because of severe restrictions on political and social activity.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The population of Afghanistan is overwhelmingly Muslim. Although Sunnis predominate, with 80 to 90 percent of the population, there is an important Shi'a minority primarily concentrated in the Hazarajat region of central Afghanistan and, since the war began, in Kabul. Small enclaves of Hindus and Sikhs traditionally have lived peacefully alongside their Muslim neighbors.

Since the 1978 coup, the regime has sought, with marginal success, to supervise strictly all religious organizations. The regime's policy pronouncements, including statements by President Najibullah, routinely invoke religious terminology in what is seen by most Afghans as a cynical effort to appeal to the populace. The regime has made some effort to win support from Muslims through the construction and repair of mosques and religious schools. Within the last year, the regime has declared its dedication to Islamic ideals and does not interfere with the practice of religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic travel remains severely restricted by wartime conditions. In 1988 the regime reportedly loosened its requirements and lowered the charge for obtaining a passport for foreign travel.

The large numbers of mines remaining from the Soviet occupation and additional mining by regime forces, since the Soviet withdrawal, of the principal overland routes and passes (as well as the smaller number of mines sown by the mujahidin) have caused a large number of casualties among the civilian population and creates serious risks for returning refugees who travel over these routes.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Afghan citizens have neither the right nor the ability peacefully to change their government. The regime-controlled areas of Afghanistan have a totalitarian government under the

control of the PDPA, which is kept in power by the Soviet Union. The ruling PDPA is modeled closely on the Soviet Communist Party. Under military pressure from the resistance, the PDPA has presented proposals for various ways to change the country's form of government, including creation of a coalition transition government. However, under these proposals, the PDPA would continue to hold the reins of real power.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The regime's relationships with international humanitarian organizations investigating human rights practices in Afghanistan is now less obstructionist than in the past. The International Committee of the Red Cross (ICRC) was granted permission in 1988 to visit persons detained by the Government, and such visits are now taking place. The ICRC also continues to conduct a medical program in Kabul.

The U.N. Special Rapporteur on Afghanistan, Felix Ermacora, visited Kabul in September, at the invitation of the Government, to gather material for his fourth report on human rights in Afghanistan which he submitted in an interim form in October. His report covers a wide range of human rights abuses and issues on both sides and offers a series of recommendations. In its 1989 Report, covering 1988, AI noted that in April it had appealed to President Najibullah and to Soviet authorities to ensure that allegations of torture and extrajudicial executions would be fully investigated and that those found responsible be brought to justice; there was no indication that a response had been made.

Some mujahidin groups have permitted the ICRC and journalists sporadically to visit some Soviet and Afghan prisoners held by them. In June leaders of the Afghan Interim Government (AIG) met with a group of private citizens from the U.S.S.R., which included relatives of Soviet soldiers missing in action. During the year other private individuals and organizations met with AIG leaders on the prisoner-of-war (POW) issue. In November two Soviet POW's were released to their families and returned to the Soviet Union.

Section 5 Discrimination Based on Race, Sex, Religion, Language, and Social Status

In traditional Afghan society, the participation of women in activities beyond the home and field is limited by long established beliefs, customs, and religious practices. The social position of some women, generally those residing in Kabul, has improved somewhat over the past decade. The disruption of the war and diversion of large numbers of males to military service and combat have affected the lives of women living in areas controlled by both the regime and the resistance. Under the regime, the role of women in some nontraditional occupations such as banking, the media, and the civil service has expanded. Women have suffered because of social and ideological pressures in the refugee community in Pakistan. What little freedom they had before has been greatly circumscribed. Attitudes towards women's roles remain a subject of debate within the resistance, including assertions by some fundamentalist parties that there should be further restrictions on public appearances by women. But even among fundamentalists some change is detectable. One of the

fundamentalist parties, Gulbuddin Hekmatyar's Hezbi-e-Islami, has issued membership cards conferring voting rights on females. The Special Rapporteur noted in his report that a special matter of concern is the abduction and mistreatment of Afghan women.

Violence against women is known to occur in Afghanistan, but little is known about its extent. Abuse within the family is seldom mentioned publicly in this traditional society, and the regime does not acknowledge the existence of a problem. There are no official statistics on the subject.

Afghanistan is home to several religious sects and a number of ethnic, tribal, and linguistic groups whose relations to one another have traditionally been marked by rivalry and occasionally by hostilities, both within the regime and the resistance. Local loyalties often override those to the nation as a whole. A particularly strong line of cleavage along religious, ethnic, and geographic lines lies between the minority Shi'a and and the traditionally dominant Sunni Afghans. Internal regime politics reflect these rivalries, but the PDPA also tries to take advantage of them for its own purposes. This includes dispatching troops belonging to one ethnic group to other parts of the country where they are not normally present. This continues a longstanding practice--which predates the Communist takeover--aimed at making it easier to repress the local population and to prevent military defections, but it also heightens hostilities between groups and sparks frequent violence. Shi'a Muslim resistance groups are not represented in the seven-party resistance Alliance, in part because of traditional antipathy and discrimination on the part of Aghan Sunnis toward their Shi'a countrymen.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the labor law (enacted in 1987) assert that individual workers have the right to form trade unions, and such unions are theoretically independent of state organs. In practice, however, the structure of union organization is modeled on that of the Soviet Union, individual unions are overseen by the Central Council of Trade Unions, an umbrella organization controlled by the ruling PDPA, and there is no evidence of worker participation in decisionmaking. There is no provision in law for the right to organize independent unions, and there is no right to strike. Workers have been threatened with loss of jobs or imprisonment for refusal to join party organizations. The Central Council of Trade Unions is affiliated with the Communist-controlled World Federation of Trade Unions. Afghanistan has been a member of the International Labor Organization (ILO) since 1934 but has ratified neither ILO convention 87 regarding Freedom of Association nor Convention 98 on Collective Bargaining.

b. The Right to Organize and Bargain Collectively

Within the constraints mentioned above, workers have the theoretical right to organize and bargain collectively. Acording to labor law, in large economic organizations at the end of each Afghan year, a new collective contract is signed following negotiations between the management and the councils of representatives of the trade union organizations at the primary level with the consensus of the workers' collective.

AFGHANISTAN

In practice, there is no genuine labor-management bargaining and the workers' collective rubber stamps decisions taken by officials. There has been some discussion about setting up labor courts and other mechanisms for the resolution of disputes, but no action has been taken.

There is no indication that there are any special economic or export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids the imposition of forced labor, but notes that the "performance of compulsory labor in wartime, natural calamity, and other states of emergency which threaten public life and order shall be excluded from this." Given that wartime conditions exist, and that the regime imposed a state of emergency in February, this constitutional provision is, in effect, superseded. The most frequent manifestation of the use of forced labor is the "voluntary" labor engaged in by students for short periods for construction projects during their annual vacations, during a time when they are seconded to the military.

d. Minimum Age for Employment of Children

The labor law specifies the conditions of work for adolescents, noting that persons aged 13 to 15 should work a maximum of 30 hours a week, and those aged 16 to 17 should not work more than 35 hours a week. The law also specifies that adolescents should receive the same pay as persons 18 and older.

e. Acceptable Conditions of Work

The labor law stipulates that the usual hours of work on average should not exceed 40 hours a week, and that on Thursdays working time should not exceed 5 hours. Provision is made for time off for prayers, meals, holidays, weekends, annual leave, sick leave, and emergency leave. No information on any statutory minimum wage is available. There are general provisions which set out the employer's responsibility to ensure healthy and safe conditions of work, and accident compensation. There appear to be no effective enforcement mechanisms to ensure fair and safe labor practices. The State Committee on Labor and Social Security is understaffed and, like most ministries and state committees of the current regime, not very active.

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Forty-fifth year

Letter dated 4 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Bahrain. I have underlined passages of special relevance (see annex).

In view of the importance of this information, I have the honour to request that the text of the present letter and its annex be be issued as an official document of the General Assembly, under items 92, 103 and 113 of the preliminary list, and of the Security Council.

(Signed) Ephraim DOWEK
Ambassador
Deputy Permanent Representative
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ANNEX*

101st Congress
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REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
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U.S. SENATE

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BAHRAIN

The extended family of the Al Khalifa has ruled Bahrain since the late 18th century and dominates its society and government. The Constitution confirms the Amir as hereditary ruler. The current Amir, Shaikh Isa bin Sulman Al Khalifa, governs Bahrain with the assistance of his brother, the Prime Minister; his son, the Crown Prince; and an appointed Cabinet of Ministers. The Government has suspended some provisions of Bahrain's 1973 Constitution, including those articles relating to the National Assembly which the Government disbanded in 1975. There are few judicial checks on the Amir and his Government.

Bahrain is one of the more heterogeneous societies in the Gulf, where social ties and interpersonal associations are formed in a complex web of family, tribal, economic, and religious affiliations. Bahrain is divided between the Shi'a and Sunni sects of Islam, with the Shi'a comprising over two-thirds of the indigenous population. There are important sectarian divisions among the Shi'a. Despite their numerical disadvantage, the Sunnis predominate because the ruling family, supported by powerful merchant families, is Sunni. Two clandestine fundamentalist political groups with links to Iran, drawing support from some Shi'a, and two underground, secular, leftist groups advocate violent political change. Recently, there has been a splintering of the latter, accompanied by an increase in fundamentalist rhetoric from those groups supported by Iran, the main source of anti-Bahrain subversion and terrorist actions.

The Ministry of Interior is responsible for public security. Under its auspices the police force and the Security and Intelligence Service (SIS), with approximately 8,000 to 10,000 employees combined, are responsible for maintaining internal order and preventing sectarian violence and terrorist actions.

Bahrain's leaders seek to foster the open social and commercial environment needed to attract international business, while protecting the ruling family's preeminence, preventing sectarian violence, and thwarting externally inspired subversion. Faced with limited oil resources, Bahrain has diversified its financial base, attracting companies doing business in financial services, petrochemicals, and light manufacturing. Bahrain has used its oil revenues to build an advanced infrastructure in transportation and telecommunications, and has become a leading regional financial center. The economy benefited from the region's economic boom in the 1970's and early 1980's, but suffered from the decline in oil prices beginning in 1986.

The human rights situation in Bahrain was basically unchanged in 1989, and civil liberties remain greatly restricted. Major human rights concerns include arbitrary detention and alleged abuse of detainees held on security grounds, lack of fair trials in security cases, and restrictions on freedom of speech and press, assembly and association, women's rights, and the right of citizens to change their government. Expatriate workers from developing countries tolerate limited trade union rights for fear of loss of employment and deportation.

BAHRAIN

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known political or other extrajudicial killings.

b. Disappearance

There were no known disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law, and there is no evidence of a policy of systematic physical mistreatment of criminal offenders. There were several unconfirmed reports in 1989 charging mistreatment and torture at the hands of the SIS. There are no reliable reports about what happens during detention in security prisons (where questioning may continue after sentencing) since visits by nongovernment persons are generally prohibited. In its 1989 Report, covering 1988, Amnesty International (AI) noted that it had received new allegations of physical and psychological torture and ill-treatment of detainees, apparently to obtain confessions. It said that, in a number of cases, detainees were reportedly made to stand upright for many hours, were deprived of sleep for long periods, beaten or suspended, and threatened while detained incommunicado and in lengthy solitary confinement.

d. Arbitrary Arrest, Detention, or Exile

Political activity is strictly controlled by the security forces, and persons are sometimes detained and arrested arbitrarily on suspicion of antiregime activity. Activities that could lead, under provisions of the security law, to detention, questioning, warnings, or arrest include membership in subversive, illegal organizations; painting antiregime slogans on walls; joining antigovernment demonstrations; possessing or circulating antiregime writings; preaching sermons with an extreme fundamentalist or a radical political tone; or harboring or associating with persons committing such acts.

According to the State Security Act of 1974, persons may be detained for a period not to exceed 3 years. Detained persons have the right to appeal after a period of 3 months, and, if the appeal is denied, every 6 months thereafter from the date of the original detention. According to AI, some Shi'a were detained briefly before Shi'a religious occasions; others reportedly were detained after 'Ashoura (a Shi'a commemoration of the martyrdom of Husayn) or other religious gatherings at which antigovernment or anti-American political statements were made. In the past, detainees have sometimes been held incommunicado for lengthy periods, although family members can usually find out where the detainee is being held. Confessions following such detention are common. Persons imprisoned for political offenses are sometimes released on the condition that they immediately go into exile.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

A person arrested may be tried in either an ordinary criminal court or the Security Court. Civil trials provide procedural guarantees including open trial, the right to counsel (with legal aid available when necessary), and the right to appeal. Security cases, however, are tried directly by the Supreme Court of Appeal, sitting as the Security Court. Such trials are held in secret, there is no right to judicial review of the legality of arrests, and the court is exempted from adhering to the procedural guarantees of the penal code. All records pertaining to trials by the Security Court are regarded as state secrets. Sentences imposed by the Security Court can, at the discretion of the Court, be referred to the Amir for clemency.

The Bahrain Defense Force (BDF) maintains a separate court system for military personnel accused of offenses under the military code. These courts do not review cases involving civilian criminal or security offenses.

Some estimates indicate that fewer than 50 persons are now being held for political reasons. In its 1989 Report, AI estimated the number of political prisoners at well over 100. Among them were 14 alleged supporters of the banned Bahrain National Liberation Front and 18 alleged supporters of the Islamic Enlightenment Society.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Interior Ministry can authorize entry into private premises without judicial authorization. Telephone calls and correspondence are subject to monitoring by the SIS. Police informer networks exist.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the right "to express and propagate opinions," but in practice Bahrainis cannot freely challenge the legitimacy of the regime in speech or writing. Political meetings are not permitted; gatherings which might take on a political tone are monitored through informers. Criticism of government policies and programs in such areas as municipal services, unemployment, and education is tolerated and commonly seen in the press.

The Information Ministry exercises wide powers over the local media, and the press generally follows official policy closely. In the past, minor deviations have brought closure of the offending newspapers. In 1989 an Arabic-language daily was closed for 3 days for printing articles found to be insulting to Islam; the paper reported the lurid details of a divorce case, which the Minister of Justice had denied occurred. Bahrain is generally open to international media, but the Government does not condone unfavorable coverage of its domestic affairs; it is not uncommon for the Government to revoke the press credentials of foreign journalists. Since the Ministry of Information also sponsors the journalists' residency permits, such actions are tantamount to deportation.

The State owns all radio and television stations and blocks, as do all its Gulf neighbors, Iranian television broadcasts.

BAHRAIN

Only senior government officials may own and use satellite dishes. All newspapers are privately owned and exercise self-censorship in reporting on antiregime activities and in criticizing the Government. Former Information Ministry officials serve as editors of the two Arabic daily papers, which are regarded as semiofficial.

b. Freedom of Peaceful Assembly and Association

Although the Constitution affirms the right of free assembly, public political demonstrations or meetings are prohibited. Professional organizations are permitted. The large number of social and sports clubs have traditionally served as forums for discreet political discussion. The Government monitors the activities of these organizations, which are generally small and limited in scope. Groups seeking to hold meetings in public places must obtain permits. Permits for religious ceremonies, including those of the Shi'a, are routinely granted.

For a discussion of freedom of association as it applies to trade unions, see Section 6.a.

c. Freedom of Religion

The population is overwhelmingly Muslim, and Islam is the state religion. Christians and other non-Muslims, including Jews, Hindus, and Baha'is, enjoy considerable freedom to practice their religion. Some maintain places of worship, but some small groups practice in their homes. Religious tracts of all Islamic sects and publications of other religions are readily available in bookstores.

Proselytizing is not encouraged, and anti-Islamic writings are prohibited. Both Sunni and Shi'a sects are subject to government control and monitoring, but there is no interference with routine worship or religious activities. Public religious events, most notably commemorative marches by the Shi'a, are permitted but are closely watched by the police. There appear to be no restrictions on the number of Bahrainis permitted to make pilgrimages to Shi'a shrines and holy sites in Iraq. However, religious study in and pilgrimages to Iran are strongly discouraged. Conversions from Islam to another religion are tolerated.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bahrainis are free to move within the country and change their place of residence or work. Passports can be denied on political grounds. Bahrainis living abroad who are suspected of political offenses may face imprisonment without public trial upon return to Bahrain. Refugees are not repatriated to countries they have fled, but are obliged to depart Bahrain immediately. There are some Iranian emigres who have fled Iran since 1979 and have permission to remain in Bahrain, but they have not been granted citizenship. Travel to Iran, especially by Shi'a, is discouraged by the Government.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right or ability peacefully to change their government or their political system. With the abolition of the National Assembly, there are no formal

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democratic institutions, and neither political parties nor opposition organizations are permitted. Bahrain is ruled by the Al Khalifa family, headed by the Amir. All government positions are appointive. About one-third of the cabinet ministers are Shi'a, although they do not hold key portfolios. The average Bahraini can attempt to influence government decisions only through the submission of written petitions and informal contact with senior officials, including appeals to the Amir at his regular public audiences.

Four clandestine political groups agitate for change in Bahrain. The Islamic Front for the Liberation of Bahrain, the group responsible for the 1981 coup attempt, is almost exclusively militant Shi'a in its makeup. It calls for violent revolution. The Islamic Call Party advocates a relatively moderate form of populist Islam and demands reforms in the social and economic structure of Bahrain. Both have ties to Iran, call for the establishment of an Islamic Republic, and attract some support from the younger, disaffected Shi'a. Public displays of their activism have decreased. Two underground, secular leftist groups, the Popular Front for the Liberation of Bahrain and the pro-Soviet National Front for the Liberation of Bahrain, have ties with radical Arab regimes and Arab nationalist organizations. Their influence in Bahrain appears to have decreased in recent years.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No internal human rights organizations exist. No nongovernmental investigations occurred in 1989. AI notes in its 1989 report that it proposed in 1988 a follow-up visit to one it conducted in 1987 and that it provided recommendations for improvements in human rights practices. The Government did not respond.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

Although there are notable exceptions, Sunni Muslims enjoy a more favored status in Bahrain than the Shi'a, who form approximately two-thirds of the population. Sunnis receive preference for employment in sensitive positions, including in the Bahraini Defense Force and the managerial ranks of the public sector. Statistics are unavailable, but Shi'a tend to be employed in lower paid, lesser skilled jobs. Social and municipal services in most Shi'a neighborhoods, particularly in rural villages, are markedly inferior to those found in Sunni urban communities. The Government has tried to remedy social discrimination, improve living conditions for the Shi'a, and encourage sectarian integration through the development of government-subsidized housing complexes, open to all Bahrainis on the basis of financial need.

Legal rights of concern to women are subject to Islamic law. Specific rights vary according to Shi'a or Sunni precedent, as determined by the person's faith. Bahraini women have the freedom to wear the clothing of their choice (a large percentage wear Western dress outside the home), to work outside the home, to drive a car without escorts, and to travel outside the country.

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Islamic law (Shari'a) governs the legal rights of Bahraini women. Specific rights vary according to Shi'a or Sunni interpretations of Islamic law, as determined by the person's faith or the court in which various contracts have been made--as in the case of marriage. In distinction to Sunni women, Shi'a women do have the right to initiate a divorce and are, theoretically, equal to men in all other respects. Women of either sect may own and inherit property. Women may represent their own interests in all public and legal matters. According to Islamic tradition, a woman generally loses custody of her children after they reach the age of 7, but, in the case of proven incompetence on the husband's part, this is not applied. According to national custom, a non-Bahraini woman automatically loses custody of her children if she is married to, and divorces, a Bahraini man. Women can obtain passports without permission of a male head of the household and can exit the country without permission.

With the development of the Bahrain economy, women have increasingly taken jobs previously reserved for men. Women now constitute about 18 percent of the Bahraini work force. The Government has encouraged the hiring of women, has enacted special laws to promote female entry into the work force, and is itself a leading employer of women. Generally, women work outside the home during the years between secondary school or university and marriage. Women make up the majority of students at Bahrain's universities.

The status of women is a continuing subject of debate. There are women's organizations which have as a goal the betterment of the status of women under both civil and Islamic law. These organizations are supported by the Government.

There is little information available regarding violence against Bahraini women. More evidence exists regarding violence against expatriate women working in Bahrain as domestics. Cases of domestics beaten badly enough to require hospitalization have been reported to the police and in the newspapers. Although many victims of employer violence may fear dismissal and deportation, cases of successful complaints by employees abused by their sponsor are on record.

Section 6 Worker Rights

a. The Right of Association

Although the Constitution recognizes the right of workers to organize, there are no trade unions, primarily because the Government actively discourages them. Strikes are not permitted. In response to labor unrest in the mid-1950's and in 1965 and 1974, the Government encouraged--and now closely controls--the formation of elected workers' committees in major companies. Since 1982, when the Government granted permission to form the first Joint Labor Management Consultative Committee (JCC), 12 JCC's have been established in the major industries. The JCC's represent close to 70 percent of the island's labor force. Nonindustrial expatriate workers, about 60 percent of the work force, are denied even these limited "rights." Bahrain has been a member of the International Labor Organization (ILO) since 1977 but has ratified neither ILO Convention 87 on Freedom of Association nor Convention 98 on Collective Bargaining.

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b. The Right to Organize and Bargain Collectively

There are no collective bargaining units or contracts. As noted above, in 12 key industries employing significant numbers of Bahrainis, the Government has sanctioned the formation of Joint Consultative Committees comprised of representatives from management and employees. These JCC's are empowered to resolve labor disputes, organize workers' services, and discuss wages, working conditions, and raising productivity. But the workers have no independent, recognized vehicle for addressing these or other labor-related issues. Labor law and practice are uniform throughout the country.

c. Prohibition of Forced or Compulsory Labor

The Government prohibits the use of forced or compulsory labor. The press, however, regularly reports instances where private-sector employers compel expatriate workers from developing nations to perform work not specified in their contracts. Once a complaint has been lodged by a worker with a grievance, the Labor Ministry opens an investigation and often takes appropriate action.

d. Minimum Age for Employment of Children

The minimum age for employment is 14 years. Juveniles between the ages of 14 and 16 receive special protection under the labor laws. They may not be employed in hazardous conditions or at night and may not work over 6 hours per day or on a piecework basis. Child labor laws are enforced.

e. Acceptable Conditions of Work

Bahrain's labor law, enforced by the Ministry of Labor and Social Affairs, provides for acceptable conditions of work for all adult workers, including adequate standards regarding hours of work (maximum 48 hours per week), and occupational safety and health. Minimum wage scales, which exist for both private and public sector employees, generally afford a decent standard of living for a worker and his family.

In practice, however, expatriate workers are seriously disadvantaged by the requirement that all foreigners must be sponsored by Bahrainis or Bahrain-based institutions and companies in order to work. Under this system, sponsors can cancel the residence permit of any person under their sponsorship and thereby blacklist individuals so that they cannot obtain entry or residence visas from another sponsor. Such power contains the potential for exploitation since foreign workers are often unwilling to report abuses of their rights for fear of forced repatriation. Instances of expatriate workers being denied their guaranteed holidays, days off, and vacations without compensation, have been reported by the English-language daily, which serves as an unofficial ombudsman for expatriate workers. In 1989 some expatriate housemaids charged their employers with sexual harassment.

The Government has initiated a plan to replace 20,000 expatriate workers in the private sector. The official unemployment rate in 1987 was 3.2 percent; however, a Ministry of Labor official announced in May 1989 that the indigenous unemployment rate was about 10 percent.

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Bahrain's labor law does not recognize the concept of equal pay for equal work. Asian workers are paid lower wages than their Bahraini counterparts. Westerners and Bahraini workers are paid comparable wages; women are generally paid less than men. However, women are entitled to 60 days of paid maternity leave and nursing periods during the day.

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NATIONS

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General Assembly

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A/45/268
7 May 1990

ORIGINAL: ENGLISH

Forty-fifth session
Item 34 of the preliminary list*

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

Letter dated 4 May 1990 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

I have the honour to enclose for your information a copy of the "Groote Schuur Minute", as agreed upon by the South African Government and the African National Congress in Cape Town on 4 May 1990.

I should be grateful if the minute could be circulated as an official document of the General Assembly under item 34 of the preliminary list.

(Signed) Jeremy B. SHEARAR
Permanent Representative

* A/45/50.

Annex

THE GROOTE SCHUUR MINUTE

The Government and the African National Congress (ANC) agree on a common commitment towards the resolution of the existing climate of violence and intimidation from whatever quarter as well as a commitment to stability and to a peaceful process of negotiations. Flowing from this commitment, the following was agreed upon :

1. The establishment of a working group to make recommendations on a definition of political offences in the South African situation; to discuss, in this regard, time scales; and to advise on norms and mechanisms for dealing with the release of political prisoners and the granting of immunity in respect of political offences to those inside and outside South Africa. All persons who may be affected will be considered. The working group will bear in mind experiences in Namibia and elsewhere. The working group will aim to complete its work before 21st May 1990. It is understood that the South African Government in its discretion, may consult other political parties and movements and other relevant bodies. The proceedings of the working group will be confidential. In the meantime the following offences will receive attention immediately :

   a) The leaving of the country without a valid travel document.

   b) Any offences related merely to organisations which were previously prohibited.

2. In addition to the arrangements mentioned in paragraph 1, temporary immunity from prosecution for political offences committed before today, will be considered on an urgent basis for members of the National Executive Committee and selected other members of the ANC from outside the country, to enable them to return and help with the establishment and management of political activities, to assist in bringing violence to an end and to take part in peaceful political negotiations.

3. The Government undertakes to review existing security legislation to bring it into line with the new dynamic situation developing in South Africa in order to ensure normal and free political activities.

4. The Government reiterates its commitment to work towards the lifting of the state of emergency. In this context the ANC will exert itself to fulfill the objectives contained in the preamble.

5. Efficient channels of communication between the Government and the ANC will be established in order to curb violence and intimidation from whatever quarter effectively.

The Government and the ANC agree that the objectives contained in this minute should be achieved as early as possible."

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General Assembly Security Council

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8 May 1990

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GENERAL ASSEMBLY
Forty-fifth session
Items 92, 94, 100, 103, 104 and 113 of
the preliminary list*
EFFECTIVE IMPLEMENTATION OF UNITED NATIONS
INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE
FUNCTIONING OF BODIES ESTABLISHED PURSUANT
TO SUCH INSTRUMENTS
ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION
IMPLEMENTATION OF THE CONVENTION ON THE
RIGHTS OF THE CHILD
CRIME PREVENTION AND CRIMINAL JUSTICE
ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN
ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE
OF PERIODIC AND GENUINE ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 7 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Bangladesh (see annex). I have underlined passages of special relevance.

In view of the importance of this information, I have the honour to request that the present letter and its annex be issued as an official document of the General Assembly, under items 92, 94, 100, 103, 104 and 113 of the preliminary list, and of the Security Council.

(Signed) Ephraim DOWEK
Ambassador
Deputy Permanent Representative
and Chargé d'affaires a.i.

* A/45/50.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1990

Printed for the use of the Committees on Foreign Affairs and Foreign Relations of the House of Representatives and the Senate respectively

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* Underlining has been added by the Chargé d'affaires of the Permanent Mission of Israel to the United Nations.

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BANGLADESH

The Bangladesh Constitution provides for a presidential form of government and a unicameral Parliament of 300 members. The President appoints the ministers, 20 percent of whom do not have to be members of Parliament. The Prime Minister, also appointed by the President, serves more as the leader of the parliamentary majority than as leader of the Government. H.M. Ershad, then the Army Chief of Staff, took power in 1982 in a bloodless coup and, after retiring from the military, was elected President in 1986 in elections boycotted by the major opposition parties.

The present Parliament, composed of 252 members from the President's Jatiyo Party and 48 members from smaller parties, was formed in elections held in March 1988 which were marred by the absence of major opposition parties, sporadic violence, low voter turnout, and fraudulent vote counts. Parliament held two sessions in 1989 and passed limited autonomy legislation for the three Chittagong Hill Tracts (CHT) districts and a Ninth Constitutional Amendment which provides for an elected Vice President and limits both the President's and Vice President's tenure to two consecutive 5-year terms. In view of continued questioning of the current Parliament's representative character, the Government has offered to hold midterm parliamentary elections, but the major opposition parties have refused to participate because they do not believe there can be free and fair elections under President Ershad.

The police and paramilitary forces, all of which are controlled by the Home Affairs Ministry, bear primary responsibility for maintaining internal security. Paramilitary forces include the Bangladesh Rifles (BDR), which guards the borders, the Bangladesh Ansars (a home guard which assists the police in maintaining law and order), and the Village Defense Parties (VDP), a uniformed but normally unarmed local militia. The army plays an internal security role in the CHT, where attacks by tribal insurgents against security forces, Bengali settlers, and other tribals continued in 1989. Tribals have accused security forces of participating in or instigating attacks by settlers. Despite these accusations, there were no confirmed reports in 1989 of retaliation by army troops in the area.

Bangladesh is one of the world's poorest and most densely populated countries. The Government's key programs aim at economic development through reduced population growth, increased crop yields, decentralization of administration, and development of the private sector. The economy recovered somewhat from the devastating floods of 1988, and below-normal rainfall prevented serious flooding in 1989.

Overall, there were no major changes in the human rights situation in 1989. The internally divided opposition's inability to remount its campaign to oust the present Government brought a year of relative political stability, with fewer reported instances of human rights abuses than in 1988. Municipal elections conducted during the year were relatively peaceful, as were local government council elections in June in the three CHT districts. However, a parliamentary by-election in September was marred by allegations of voting irregularities. Significant restrictions remained on the ability of citizens to change their government, freedom of the press, and a variety of

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women's rights, and there remained concerns regarding abuse of prisoners and detainees and arbitrary detentions.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

While January elections in 80 of Bangladesh's 86 municipalities were relatively peaceful, sporadic violence resulted in at least 6 deaths and over 500 injuries, including injuries to a number of law enforcement officials. Police fired above the heads of crowds to disperse them, but apparently no fatalities were inflicted by law enforcement authorities. There was also violence on university campuses throughout the year as student wings of various political parties clashed repeatedly. These encounters often caused injuries and sometimes resulted in deaths.

For a discussion of killings related to the CHT insurgency, see Section 1.g.

b. Disappearance

There were no confirmed reports of disappearance resulting from official actions in 1989. As in the past, however, armed tribal insurgents in the CHT kidnaped a number of persons in raids on Bengali villages.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and cruel, inhuman, or degrading punishment or treatment. Despite several allegations, there were no confirmed reports of such incidents in the CHT in 1989, but Amnesty International (AI) and local human rights groups continue to monitor this area and to encourage the Government to safeguard the rights of tribal people. In response to previous requests, the Government submitted a report to AI on several alleged instances of torture in the Hill Tracts dating from 1986.

Police treatment of accused criminals is usually rough and can include abusive interrogations and beatings. Reports of fatalities from such treatment are relatively rare; however, local human rights groups have begun increasingly to investigate individual cases and confirmed five such deaths in 1989. The Government has not interfered in such investigations. In its 1989 Report, covering 1988, AI noted that it had renewed reports of torture of criminal suspects in police custody, several of whom were alleged to have died as a result. Mistreatment of ordinary citizens frequently goes unpunished, but police and jail officials involved in mistreating prisoners are sometimes disciplined in cases where the victim or his family and friends can attract publicity or persuade human rights groups to investigate the allegations.

There are also occasional reports of abusive treatment of citizens by a variety of lower level government officials, party bosses, and labor leaders--who intimidate others through violence or threats of violence.

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d. Arbitrary Arrest, Detention, or Exile

Under the Special Powers Act of 1974 (SPA), the Government can detain an individual without charge for an initial period of 30 days to prevent the commission of "any prejudicial act" as defined in the legislation. The Government is obligated to charge the detainee formally by the end of this period or release him if it fails to file a charge. The individual can legally be held until completion of an investigation if the Government brings a charge. In practice, though not in the law, the detainee has 15 days to respond to the specific charge in writing to the Home Affairs Ministry, which can grant early release. Detentions under the SPA are not subject to judicial review until after 6 months, at which time a committee of three jurists examines the case to ascertain whether there is sufficient reason to continue the detention. Although the detainee is theoretically entitled to see a lawyer at the time he is detained, in practice a lawyer is generally not allowed to see the detainee until a specific charge has been filed.

Forty alleged activists in a Hindu separatist movement were detained under the SPA in the early part of 1989. Twenty-six remain incarcerated. Human rights activists fear that the SPA is increasingly used against political opponents in rural areas and to detain indefinitely suspected criminals against whom the Government has insufficient evidence for a formal charge. Human rights activists and some press accounts note that the Government often issues new detention orders against individuals as soon as the original detention has expired or been vacated by the courts.

The Government put the number of SPA detainees at 2,157 as of April 30, although human rights groups believe the actual figure is higher. Persons detained under the SPA are often subsequently charged under criminal statutes.

The right of a detainee to a judicial determination of the legality of his detention exists in local law. Bangladeshi legal and human rights organizations, however, continued to report cases of suspects who were arrested on minor charges but who remained in jail for long periods without trial. There were no reports of persons being exiled in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Supreme Court is generally considered independent, although pressure is sometimes brought to bear in political or security cases. Civilian courts hear civil and criminal cases in public trials, and the right of counsel is respected. Though generally considered fair, civil courts are overburdened and effectively available only to those who can afford representation. In addition, the time-consuming and expensive process of pursuing cases discourages many from seeking redress through the courts. There are few legal aid programs to assist litigants and no public defenders. Although the legal time limit for disposal of criminal cases is 240 days at the district level and 120 days at the magistrate level, a shortage of judges and a backlog of over 500,000 criminal and civil cases makes longer delays a common occurrence. The continuation of a 1-day-a-week boycott of the Supreme Court by barristers who oppose several court-related government decisions hampered the timely dispensation of

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justice even further. A relatively small number of the cases in the backlog involves detainees.

A Bangladeshi nonprofit human rights group, with funding from The Asia Foundation (TAF), has established a training program for new lawyers. A TAF training program for judges has to date trained 255 assistant judges and 45 midlevel judges, and TAF continues to support the legal outreach program of a local human rights group.

The Government claims to hold no political prisoners. Bangladesh human rights groups assert, however, that some persons detained under the SPA are actually political prisoners. Currently such groups do not maintain statistics on the number of political prisoners in the country, and estimates vary considerably.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Bangladesh law requires a judicial warrant before authorities enter a home, and courts require evidence supporting a reasonable suspicion before issuing a warrant. However, the SPA permits authorities to search premises without a warrant under certain circumstances, and authorities have in the past entered the homes of opposition leaders, detained individuals, and searched their premises without warrants. The Government's civilian and military intelligence services are widely believed to monitor the opposition by such means as selective wiretaps and interception of mail.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Despite government efforts to address tribal grievances in 1989 through limited autonomy legislation for the CHT, the longstanding Shanti Bahini (Peace Force) insurgent movement remained active. This insurgency began in the early 1970's and has been sustained by the tribal people's fears that their traditional way of life and special status in the hill areas are being undermined by settlers from the overpopulated plains. During the past 4 years, government policy has discouraged settlement in the Hill Tracts. Some 300,000 ethnic Bengalis remain in the 3 hill districts along with approximately 500,000 tribals.

Due to restricted access to the Hill Tracts, the veracity of accusations of atrocities committed by the tribals or security forces cannot be confirmed. Shanti Bahini attacks on Bengali settlements, military personnel, and tribals, many of which resulted in deaths and destruction of property, continued in 1989 and escalated in late July following the June CHT local government council elections. Precise figures are not available, but the Government estimates that these attacks killed at least 300 persons by mid-September and drove more than 1,500 tribals to refugee camps in neighboring India. Others put the number of new refugees at a much higher level. A number of tribals alleged to be Shanti Bahini insurgents also died in clashes in 1989 with military personnel. In addition, between 16 and 36 tribals were killed and approximately 500 were injured in May when the alleged Shanti Bahini assassination of a county council chairman provoked reprisals by settlers against tribals. Although some sources charge that government security forces instigated the reprisals, or at least were slow to restore order, there is no

evidence of military complicity in the Bengali settlers' attacks on the tribals. In 1989 there was no confirmed evidence that the security forces disobeyed strict government orders to avoid reprisals against the tribal people and to prevent others from such retaliations. Complaints of human rights violations in the Hill Tracts continued to be far fewer than those received as recently as 1987, and despite Shanti Bahini threats to kill candidates and voters, June elections to fill seats on the newly created CHT district councils were for the most part peaceful. The Government offered amnesty to Shanti Bahini insurgents on two occasions in 1989.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and expression and freedom of the press, subject to "reasonable restrictions" in the interest of national security, international relations, and public order, decency, and morality. In practice, the Government has a variety of means to attempt to control the press, including formal and informal censorship, "guidance" from the Press Information Department, temporary closures of newspapers, and arrest or intimidation of journalists. The SPA allows the Government to ban domestic publications, to hold any newspaper employee responsible for the paper's content, and to compel journalists to reveal news sources. Most publications are heavily dependent upon advertisements from the Government or government-owned corporations; these advertisements reportedly account for as much as 75 percent of advertising revenues. Although all newspapers are theoretically eligible to receive public sector advertising if they meet minimum circulation requirements, publishers complain that the placing and withholding of advertising, as well as payment for it, are often used as a means of influencing the press.

In 1989 several Bengali-language weeklies--which tend to be censored more heavily than dailies--were banned for "objectionable" statements or commentary. A number of other publications banned between 1984 and 1988 remained closed in 1989. Bans on these newspapers have been in effect for varying lengths of time, with some appearing to be permanent.

The Government owns and operates all radio and television facilities. In the print media, it owns two Dhaka newspapers, including one English-language daily and one Rajshahi daily. The Government also owns BSS, the national news service. Two wire services, Eastern News Agency and the United News of Bangladesh, are privately owned.

Bangladesh has 74 dailies and 290 weeklies and periodicals. Three of the Dhaka English-language dailies and most Bengali-language periodicals and newspapers are privately owned and reflect the views of various political parties. All major newspapers report on both government and opposition activities, although coverage of the opposition is less extensive in the government-owned publications. Articles and editorials critical of the Government appear, but criticism of President Ershad, his family, or the armed forces is not tolerated. The weekly Robbar, banned in June 1988 for printing commentary critical of the President, remained closed in 1989, and hearings on a legal challenge filed by Robbar's publisher were repeatedly postponed.

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Three journalists were detained in 1989. The editor of the Bengali-language daily Shakti was arrested in June for publishing an "objectionable report." He was released on bail the following day. The chairman of Purabi and the editor of Runner, two Jessore dailies, were arrested and held for 3 days in September for publishing a "defamatory report" on the State Minister for Religious Affairs.

Opposition political parties also exert pressure on newspapers and magazines hostile to them in efforts to intimidate them. Tactics include anonymous threatening telephone calls and threats of arson.

Although 56 foreign publications (18 dailies and 38 periodicals) are generally available in Bangladesh, the Government has sometimes used the Customs Act of 1969 to prevent the importation of foreign publications critical of President Ershad. The Government invoked the Act in 1989 to ban one issue of the London-based weekly Natun Din for printing an "undesirable" article. The Government also banned the book "The Satanic Verses" and issues of foreign publications dealing with the controversy for a few weeks. No foreign journalists were arrested, barred from entry, or expelled in 1989. In June, foreign journalists were invited to cover the CHT district council elections under government escort.

The Government retains the authority to require drama groups to obtain certificates of approval to perform. No drama group in Dhaka bothers to apply for such authorization in practice, but the law is enforced outside the capital. Drama groups are required to submit scripts to the district commissioner, and actors who perform in unauthorized plays are theoretically subject to arrest.

The Government censors films primarily to ban pornography. All films from South Africa and Israel are prohibited.

Students are generally free to express a wide range of political opinion through campus organizations and publications, and opposition parties sometimes use student fronts to organize antigovernment demonstrations.

b. Freedom of Peaceful Assembly and Association

The Constitution assures every citizen the right to form associations, subject to "reasonable restrictions" in the interest of morality or public order. In practice, individuals are free to join private organizations and associations, and permits are usually not required for public meetings. There are no restrictions on affiliation with international organizations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Bangladesh, 87 percent of whose people are Muslims, has recognized Islam as its state religion since the passage in June 1988 of the Eighth Constitutional Amendment. This amendment also states that all other religions may be freely practiced. Although conversion is possible, there is strong social resistance to conversion from Islam. Members of religious minorities have also reported being questioned by

the security service about conversion activity. Proselytizing by Bangladeshi citizens, which is permitted by the Constitution, is mostly directed toward such minority groups as Hindus and tribal people.

Government policy continues to permit various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with coreligionists abroad. Missionaries, including foreign clergy who serve expatriate congregations, are permitted but they may not proselytize Muslims. Some missionaries perceive the various bureaucratic obstacles they face, including lengthy delays in obtaining or renewing security clearances and residence visas, as intended to curb Christian influence by reducing the number of missionaries and limiting their humanitarian activities. Appeals to the Government have sometimes been successful in removing such obstacles.

Despite official assurances of freedom of religion and equality of treatment, the establishment of Islam as the state religion continued to cause concern in 1989 among the Hindu, Christian, and Buddhist minorities. Some minority group members complain that this constitutional change has emboldened Muslim fanatics and criminal elements hostile to the minorities. As in 1988, there were reports of harassment, robbery, vandalism, and encroachment on property owned by non-Muslims.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bangladeshi citizens are free to move about within the country, except in designated areas of the CHT. Travel by foreigners is also restricted in the CHT and some other border areas. Bangladeshis are generally free to visit and emigrate abroad, subject to foreign exchange controls, but civil servants wishing to travel abroad must obtain permission from the Government. In some instances, persons considered to be security risks are barred from traveling abroad. One former minister was barred twice from leaving the country. Though the Government rarely hinders citizens wishing to return from abroad, in 1989 a Bangladeshi student was detained upon arrival in Dhaka from London, reportedly on the grounds that he had engaged in "anti-Bangladeshi activities." The right of repatriation is observed.

Approximately 250,000 non-Bengali Muslims, known as Biharis or "stranded Pakistanis," remain in Bangladesh pending resettlement in Pakistan. After independence in 1971, these persons opted for Pakistani citizenship and Pakistan agreed to accept them, provided financing for resettlement costs was made available from outside sources. A Saudi Arabia-based social organization has been trying for several years to raise money for this purpose and claims that sufficient funds could be found if permission was granted for the Biharis to resettle. The main obstacle to resettlement is communal tensions and recurrent violence between Biharis already in Pakistan and other ethnic groups, which makes the addition of 250,000 more Biharis a politically difficult issue for the Government of Pakistan at this time. Anti-Bihari demonstrations in Pakistan delayed indefinitely a modest repatriation effort by the United Nations High Commissioner for Refugees (UNHCR) planned for January. This contributed to increased frustration in the Bihari community and prompted a

hunger strike and other demonstrations during the summer months.

The Biharis, most of whom still reside in 66 camps throughout Bangladesh, may seek employment and conduct other activities, but they face disadvantages as noncitizens. Biharis may apply for Bangladeshi citizenship at any time, and those who do so are granted full rights of citizenship.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The governing party's dominance of the electoral process and the fraud and violence which have characterized national elections in recent years raise serious doubts about the ability of Bangladeshi citizens to change their government peacefully and democratically. In addition, the political polarization between the Government and the opposition and internal divisions within the opposition continued to prevent agreement on the holding of parliamentary elections.

After assuming power in a bloodless military coup in 1982, Bangladesh's current leader, H.M. Ershad, assumed the presidency in December 1983. He was elected to the presidency in an election in 1986 which the major opposition groupings, including the Awami League/Eight Party Alliance, the Bangladesh Nationalist Party, and the Islamic fundamentalist Jamaat-E-Islami, boycotted.

Bangladesh's present Parliament was elected in March 1988 elections that were marred by a boycott by major opposition parties, sporadic violence, low voter turnout, and voting fraud. The Parliament passed most legislation by wide margins and with little debate.

The Constitution does not require new parliamentary elections before 1993. The Government has publicly stated its willingness to hold midterm parliamentary elections, but the major opposition parties have thus far refused to participate as long as President Ershad remains in power. The Government has met with human rights activists to discuss ways to hold free and fair elections; however, human rights observers, while welcoming such meetings as a positive step, remain doubtful of the Government's sincerity about ensuring the holding of such elections. In September the Government began updating its 1983 electoral rolls.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to international opinion regarding human rights issues. Although there were no visits to Bangladesh in 1989 by AI or similar groups, the Government made efforts to respond to outside inquiries by submitting reports to AI on its investigation into several allegations of mistreatment dating from 1986. The Government also shared with AI its findings on the settler reprisals which took place in Langdu in the CHT in May (described in Section 1.g.). In addition, the Government invited and provided facilities for members of the diplomatic community and foreign press who observed the CHT local government council elections in June. International human rights organizations represented in Bangladesh include the International League for Human Rights, The Law Association for Asia and the Western Pacific, and The

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International Commission of Jurists. There are also a number of local human rights organizations which monitor developments through their rural branches, investigate allegations of abuse, and seek to prosecute human rights violators. Human rights groups are also active in promoting awareness of human rights and the law among the country's largely uneducated rural majority. The Government generally does not hamper these groups' activities.

Bangladesh is an active member of the U.N. Commission on Human Rights. In August the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities dropped all cases against Bangladesh regarding alleged human rights abuses in the CHT and decided unanimously to "thank the Government of Bangladesh for its cooperation and express its satisfaction with the progress made in respect to the treatment of its tribal population."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

By custom and Islamic tradition, women occupy a subordinate place in society and a family's ability to seclude its women is a symbol of middle or high social status. These underlying attitudes and social barriers circumscribing the participation of women in activities beyond the home are strongly entrenched and show few signs of weakening. For the approximately 86 percent of Bangladeshi women who live in rural areas, early marriage, high childbearing rates, and long hours of household and farm labor leave little opportunity for nonfamily interests or outside employment. Even in urban areas and among the affluent, the traditional social system makes women economically dependent upon their husbands and other male relatives. Except in the export-oriented garment industry, women are virtually absent from the cash-earning work force.

The daily press testifies to a pattern of domestic violence against women: murder, rape and other physical abuse, breach of matrimonial contract, denial of inheritance rights, and desertion. The suicide rate among women is reportedly almost three times higher than among men. Laws to protect women include the Anti-Dowry Prohibition Act of 1980; the Cruelty to Women Act of 1983; the Child Marriage Restraint Act of 1984; and the Illegal Trafficking of Women Act of 1988, but enforcement of these laws is lax. It is a capital offense to traffic in women, to kill a woman in the course of rape, or to murder a woman for dowry. Even so, dowry killings, in which the husband or his family attack and sometimes murder the bride for nonpayment of a supposedly promised dowry, are believed to occur frequently in rural areas. Although newspapers frequently print reports in which a husband accused of dowry killing is tried and punished, the vast majority of these cases are believed to go unreported. The recently created National Advisory Committee Against Repression of Women plans to set up local branches in rural areas to address the problems of abused women, but there is still little recourse for victims of crimes committed within the family or home.

Members of minority religious groups are disadvantaged in practice, though ~~not in the law, in their~~ access to government jobs and political office. In the years immediately following Bangladesh's independence, members of some minorities, principally Hindus, lost or had serious difficulty retaining their properties as a result of the prejudicial administration

of vested property laws. These laws permitted the Government to use or even sell property belonging to persons who left what is now Bangladesh between 1965 and 1971. Although the President in July reiterated a 1984 executive order requiring the return of such property to the original owners, some human rights activists contend that property is still occasionally seized under these laws.

Discrimination against the tribal people in the CHT with respect to property rights has been a persistent issue. Until 1985, tribal land, for which there is frequently no deed, was parceled out by authorities to Bengali Muslim settlers in the CHT. Tribal peoples' property rights were also violated by the issuance of false deeds, physical attacks, actions taken following the failure to meet mortgage payments, or confiscation by the army in areas where the tribal insurgency is active. There were no reports of such violations in 1989, and the Government's CHT local government councils legislation, which grants land allocation and regulation authority to elected, tribal-dominated district councils, affirmed the tribals' land rights. The legislation also gives the councils authority over local law enforcement, housing, health, and educational facilities. Even so, concern over these issues lingers among many of the hill people.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of association, subject to restrictions imposed by law. The Constitution also provides for the right to form labor unions, subject to governmental approval. Although the Government has the legal right to suspend unions, it took no such action in 1989.

Workers in trade associations or unions may draw up their own constitution and rules, elect officers, develop programs, and conduct business without government interference. There are no restrictions on joining confederations or affiliating with international organizations. However, union members need governmental clearance to travel to international labor meetings. No such clearances were withheld in 1989.

The right to strike is not specifically recognized in the law but is an accepted form of protest in Bangladesh. Numerous strikes were held in 1989. The Essential Services Ordinance of 1958 permits the Government to bar strikes for 3 months in any sector deemed "essential." Labor unions represent only 3 percent of the work force, a reflection of the low level of industrialization. Nevertheless, unions are powerful and important in such sectors as jute, tea, and transportation. There are several national labor centrals in Bangladesh. Most labor unions and federations are associated with a political party. The Workers-Employees United Council (SKOP), the largest trade union federation, is sympathetic to the opposition.

The Committee of Experts (COE) of the International Labor Organization in 1989 noted that Bangladesh's law contains a number of defects affecting freedom of association and collective bargaining rights, including restrictions as to the range of persons who can hold office in trade unions, wide-ranging supervisory powers vested in the registrar of trade unions, and a rule requiring that a union organize at

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least 30 percent of the workers in an establishment before it can be registered.

b. The Right to Organize and Bargain Collectively

By law, workers have a limited right to collective bargaining. Public sector employees cannot form unions or bargain collectively. There is no formal process of mediation. Except in the Chittagong Export Processing Zone, unions in the private sector can generally bargain collectively without government interference. The Government suspended union activity in the Chittagong Export Processing Zone in 1985 and the suspension remains in effect.

Workers have participatory rights in union business in theory, but both union leaders and employers often violate them in practice. Union leaders allegedly make decisions without first consulting members, and allegations have been lodged of irregularities in union elections. For their part, employers frequently ignore laws prohibiting antiunion discrimination, a practice which is particularly prevalent in the garment industry, where the work force is predominantly female. Employers have also been accused of harassing union leaders and of firing workers for union activities. Although laws against such practices exist, the difficulties of prosecuting a court case against an employer discourage union attempts to have them enforced.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor. Although this prohibition is substantially respected, there have been unsubstantiated reports of bonded labor on some tea and rubber plantations. The Government actively seeks to prevent the trafficking of bonded laborers into other South Asian countries.

The COE in 1989 requested the Government to repeal a law of 1952 (which the Government said was no longer operable) making it a punishable offense for a government employee to terminate employment without the consent of the employer. The COE also asked the Government to correct a law dealing with the forcible conveyance of seamen on board ship to perform their duties.

d. Minimum Age for Employment of Children

The Employment of Children Act prohibits the offering of employment to any person under the age of 14, but the act is not enforced. Sanctioned by tradition and encouraged by dire economic necessity, child labor is a serious problem. Legal minimum ages for various types of employment, which range from 12 to 17, are seldom enforced, and the country's poverty is such that children are regularly engaged in all available jobs. There is no compulsory education. The Bureau of Labor Statistics estimated the number of child laborers at approximately 3 million in 1986. These children pedaled rickshaws, served as domestic servants, worked as helpers in transport services, carried loads at railway stations and river terminals, labored at construction sites, and were employed in great numbers in agriculture.

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e. Acceptable Conditions of Work

Regulations regarding minimum wage rates, hours of work, and occupational safety and health are not strictly enforced. Income levels, which average $1 to $2 per day with the minimum wage at approximately $.07 per hour, are not sufficient to sustain a decent standard of living. The Factories Act of 1965 and the Shops and Establishments Act of 1965 limit normal working hours to a maximum of 8 hours per day and 48 hours per week. With overtime, the workweek may not legally exceed 60 hours. Although the law stipulates that overtime work is to be compensated by double the hourly rate, overtime pay practices do not conform to these requirements. Safety equipment and precautions are largely unknown, and the small number of safety inspectors are frequently untrained and underpaid.

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GENERAL ASSEMBLY
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Items 92, 103, 104, 109 and 113 of
the preliminary list*
EFFECTIVE IMPLEMENTATION OF UNITED NATIONS
INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE
FUNCTIONING OF BODIES ESTABLISHED PURSUANT
TO SUCH INSTRUMENTS
CRIME PREVENTION AND CRIMINAL JUSTICE
ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN
ELIMINATION OF ALL FORMS OF RELIGIOUS
INTOLERANCE
ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE
OF PERIODIC AND GENUINE ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 8 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in the Libyan Arab Jamahiriya (see annex). I have underlined passages of special relevance.

In view of the importance of this information, I have the honour to request that the present letter and its annex be issued as an official document of the General Assembly, under items 92, 103, 104, 109, and 113 of the preliminary list, and of the Security Council.

(Signed) Ephraim DOWEK
Ambassador
Deputy Permanent Representative
and Chargé d'affaires a.i.

* A/45/50.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

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* Underlining has been added by the Chargé d'affaires of the Permanent Mission of Israel to the United Nations.

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LIBYA*

The Socialist People's Libyan Arab Jamahiriya is a dictatorship ruled by Colonel Mu'ammar Al-Qadhafi. He is aided by extragovernmental Revolutionary Committees which operate at his behest. The governing principles of the society are expressed in Col. Qadhafi's "Green Book" rather than in a constitution. He has created a political system borrowing from pan-Islamic and pan-Arab sources and purporting to establish a "third way" superior to both capitalism and communism. In the past, he has used assassination as one way to control his enemies abroad; he controls enemies at home in a variety of summary and judicial proceedings which are employed wherever popular resistance exists. Ethnic minorities, such as Berbers, are tightly controlled.

Libya maintains an extensive security apparatus, consisting of several elite military units, including Col. Qadhafi's personal bodyguards. The Revolutionary Committees and People's Committees also have security functions, designed to protect as well as monitor the populace. The result is multilayered, pervasive surveillance and control of individual activities. Although Col. Qadhafi announced his intention in 1988 to strip the Revolutionary Committees of some of their prerogatives over internal security, there is little evidence that he has done so.

Despite recent government efforts at privatization, the Libyan economy remains essentially state controlled and is based primarily on the country's rich oil resources, which are its principal source of foreign exchange earnings. Libya has used its oil income to finance internal development (new schools, hospitals, roads), but much has been wasted, and the decline in oil revenues has forced retrenchment. The foreign exchange controls Libya relaxed in 1988 were again tightened in 1989. Libya's economic difficulties have been exacerbated to some extent by the regime's expenditures for weapons and on foreign military adventures.

Major human rights restrictions and abuses continued in Libya in 1989. Legal freedoms and rights are generally lacking. As a practical matter, there are no effective rights to peaceful association or assembly, to freedom of speech, to expression of opposing views to the Government in any form, to formation of trade unions, or to strike. The same is true of rights such as the right to be considered innocent until proven guilty, to a public or speedy trial, to be secure in one's home or person, or even to hold property. While some of these rights are guaranteed in principle by the Libyan Government, there is no evidence that they exist in fact. Although Col. Qadhafi announced his support in 1988 for policies and reforms aimed at remedying past widespread abuses of human rights in Libya, there was little evidence of any significant change and many of the reforms do not appear to have been implemented.

Amnesty International (AI) estimates that over 90 political prisoners remained imprisoned at the end of 1988.

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*Since the U.S. has no official observers present in Libya and since Libya's media are totally controlled, this report draws heavily on unofficial sources.

LIBYA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were several reports of politically related and extrajudicial killings in 1989. Security forces were reported to have killed two or three persons and wounded others when they opened fire on a demonstration--in which anti-Qadhafi slogans were being shouted--in Tripoli in January 1989 (see Section 2.b.). A would-be assassin of Qadhafi was reported to have died of "shock" in police custody in May. There were unconfirmed reports that Islamist extremists opposed to the Government killed about a dozen nonbelievers in mosques in Tripoli in August. The mayor of Sirte is believed to have been killed for reasons of tribal politics in September. An Italian citizen was killed and his body burned by unknown assailants in October 1989 during a period of anti-Italian demonstrations fomented by the Libyan Government.

AI has expressed concern about the large number of offenses, including political offenses, which are punishable by death under Libyan law. For example, Law No. 71 of 1972 provides for the death penalty for anyone involved with any group activity based on any ideology opposed to the principles of the revolution (see also Section 1.e.). In 1988 Col. Qadhafi publicly stated his support for the abolition of the death penalty and promised to commute all existing death sentences. However, the Great Green Document on Human Rights adopted by the General People's Congress in 1988 merely identified the total abolition of the death penalty as an "aim of the society," and declared that the death penalty should be applied in those cases in which the accused poses a danger of corruption to the society.

In 1980 the Government instituted a policy of assassinations of Libyan exiles and announced the formation of "suicide squads" to hunt down and kill Libyan dissidents abroad. Between March 1980 and June 1987, AI recorded at least 37 attacks on Libyan opponents or presumed opponents living abroad, resulting in 25 deaths. In 1988 the regime invited exiles to return, promising they would not be in danger. Most refused to do so. There were no reliable reports of assassination attempts against Libyan exiles during 1989. According to AI's report for 1988, Col. Qadhafi indicated that the policy of "physical liquidation" of political opponents had ended.

b. Disappearance

There were no reports of disappearance in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

No current information is available on this subject.

d. Arbitrary Arrest, Detention, or Exile

Under Libyan law, detainees may be held incommunicado for unlimited periods. Many political prisoners are held in unofficial detention centers controlled by members of the Revolutionary Committees, where prolonged periods of

incommunicado detention are common. Many allegedly are held without charge or trial, apparently as an example to other would-be opponents of the regime. AI stated in a report in August 1989 that 40 people are reportedly in incommunicado detention following antigovernment disturbances between January and May, mainly at the universities in Tripoli and Benghazi. While undergoing interrogation, sometimes for periods of several months, prisoners are given no access to legal representation. Although Qadhafi has claimed to be opposed to secret arrests, there is still no evidence he has followed up with explicit orders to that end or that the situation has improved in practice. Foreigners have also been subject to arbitrary arrest in the past, and there are credible reports that some foreign workers in Libya have been forced into military training and military service on behalf of Libya or coerced into subversive activities against their own countries.

Exile is not a form of punishment practiced in Libya; to the contrary, Col. Qadhafi seeks to pressure Libyans working or studying abroad to return to Libya. Libya does, however, expel noncitizens arbitrarily.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Civilians may be tried in regular courts, in less formal "people's courts," or by military or revolutionary courts, depending on the arbitrary decision of the security forces. Security forces have the power to judge persons guilty without trial, particularly "traitors to the people." Trials are also held in private or in the absence of the accused. The traditional courts have been bypassed to a significant extent by people's courts and revolutionary courts which sometimes conducted "show trials" on television, followed by public executions, which have at times been televised. These various trial systems provide few safeguards.

A 1981 law prohibits the private practice of law and makes all attorneys employees of the Secretariat of Justice. The Union of Arab Lawyers, located in France, has expressed concern about the ability and freedom of attorneys to provide legal defense for political prisoners while serving as government employees. Libya claims that it "guarantees prisoners all necessary means of defense and safeguards of justice adequate to the principles contained in the [Universal Declaration of Human Rights" and provides for legal assistance "as soon as possible with respect to the exigencies of interrogation." Nevertheless, there continue to be numerous reports that these rights are frequently denied.

Alleged political offenses in the past often have been tried before ad hoc revolutionary courts rather than by civilian courts, with the opportunities to engage defense counsel severely restricted. A number of these trials have been held in secret. The regime's announcement in 1988 of the abolition of all "extraordinary" courts, including those operated by the Revolutionary Committees, does not appear to have been implemented.

Some of the political prisoners known to be held in Libya were released in March 1988, and Col. Qadhafi declared that there were "less than 100" political detainees. In its 1989 Report, covering 1988, AI estimated the number at 90.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not respect the right to privacy. The legal requirement that judicial warrants must be obtained before entering a private home reportedly often is disregarded. Local and international telephone calls are routinely monitored. The informer network is extensive, encouraged by both security agencies and Revolutionary Committees. Libyan exiles report that mere family ties to suspected regime opponents can result in harassment or even persecution and detention by the authorities. Property can be seized and burned if it belongs to "enemies of the people" or those who "cooperate" with foreign powers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While some difference of opinion is tolerated in People's Committee meetings and at the General People's Congress, in general freedom of speech is severely limited. This is especially true with regard to any criticism of Col. Qadhafi or his regime. Fear of being informed upon by elements of the Revolutionary Committees and an underlying climate of mistrust at all levels of society further inhibit freedom of speech. Freedom of speech and other basic civil and political rights are further restricted during internal security crises.

Libyan media are owned and controlled by the State. There is a state-run daily newspaper, with a circulation of 40,000. Several smaller newspapers are run by the Revolutionary Committees and the Islamic Call Society. JANA, the official news agency, is the designated conduit for politically acceptable opinions. Publishing opinions contrary to government policy is not permitted. Foreign publications, once censored, now reportedly circulate sporadically in Tripoli.

b. Freedom of Peaceful Assembly and Association

Public assembly is repressed unless it is government controlled and supportive of regime positions. The right of association is limited and granted only to institutions affiliated with the regime. Organizations such as independent trade unions and professional associations are viewed as unnecessary, since Col. Qadhafi has vowed not to "accept intermediaries between the revolution and its working forces."

Following the last-minute cancellation of an international soccer match in Tripoli in January 1989, disappointed crowds reportedly demonstrated spontaneously in the streets, chanting "down with Qadhafi" and other slogans. Security forces fired on the crowds, reportedly killing two or three and wounding others. In a speech shortly thereafter, Col. Qadhafi indirectly acknowleged growing public opposition by calling for an end to "the demonstrations, the sit-ins, and the protests." He also called for an end to organized sports.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

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c. Freedom of Religion

Libya is overwhelmingly Muslim. Some minority religions (e.g. Christianity) still are allowed to conduct services, but Islamic groups at variance with the state-sanctioned version are banned. In an apparent effort to eliminate any alternative power bases, the regime has banned the once-powerful Sanusiyya Islamic religious sect.

Services in Christian churches are attended by the foreign community. There is a resident Catholic bishop and a small number of priests. Nuns reportedly are permitted to wear religious habits.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

With the exception of security areas, movement is not usually restricted for Libyan citizens. Traditionally, exit permits have been required for travel abroad, and currency controls have also served to restrict travel. Restrictions on travel abroad were eased significantly in 1988, but the restrictions on currency imposed in late 1989 had the practical effect of again curbing travel. Members of the Revolutionary Committees maintain surveillance of some Libyans while abroad. The right of return of Libyan nationals is theoretically fully protected even for opponents of Col. Qadhafi, so long as they are prepared to "repent." However, this "right" often appears to be more nearly an obligation; the regime often calls for students, many of whom are under government subsidy, and others working abroad to return on little or no notice and without regard to the impact on their studies or work. Libyans who study abroad are interrogated on their return home. Not surprisingly, a number of those called on to return resist.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The people of Libya have no right to change their government. Major government decisions are controlled by Col. Qadhafi himself, a few key figures around him, or by committees acting in his name. He appoints military officers and official functionaries down to junior levels. Power flows through a small circle of trusted associates. Corruption in the administration is a major problem, adversely affecting the efficiency of government.

Participation in elections is mandatory, and all candidates are cleared by the Revolutionary Committees from among persons who are not "merchants, contractors, tribal advocates, election brokers, officials of the former (pre-1969) government, or people who have been attacked by the power of the revolution." Political parties and tribal or local groupings are prohibited.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no independent human rights organizations in Libya to monitor the Government's performance. The Libyan Arab Human Rights Committee, a government organization, was created in May 1989, reportedly to implement the reforms announced in

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1988. AI was allowed to visit Libya in 1988 and meet with political, judicial, and security officials.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are frequent allegations of discrimination based on tribal status, with particular discrimination alleged against Berbers in the interior and Tuaregs in the south. Col. Qadhafi has often complained about the continued power of tribal and other groups, but he also utilizes them for political action when he sponsors proregime demonstrations. In past years, he sought unsuccessfully to assure that Berbers married only non-Berbers, presumably in an effort to erode their tribal identity.

The conservative cultural attitudes of Libya's Islamic society serve to restrict the rights of certain groups, most notably women. Within the confines of Islam, Col. Qadhafi has led efforts to change the status of women and expand their access to educational and employment opportunities. Women currently receive basic military training and are subject to the military draft, with some exceptions. The husband's permission is necessary for women or children to travel abroad. Female circumcision is still reportedly practiced among tribal groups in remote areas of the south. No information is available on the extent to which violence against women is a problem in Libya.

Section 6 Worker Rights

a. The Right of Association

Workers do not have the right to form or join unions of their own choosing. The official trade union organization, the General Federation of Producers' Trade Unions, which was created in 1972, is under government control and administered through the People's Committee system. Independent trade unions and professional associations are viewed as unnecessary, since Col. Qadhafi has vowed not to accept intermediaries between the revolution and its working forces. Although unions are assured the right to "safeguard their interests," there is no right to strike, and no strikes by Libyan workers have been reported for years.

With government financing, the official trade union organization plays a leading role in the International Confederation of Arab Trade Unions and the Organization of African Trade Union Unity and exploits international trade union contacts to engage in propaganda efforts on behalf of the Government. Libya is a member of the International Labor Organization (ILO). It ratified ILO Convention 98 on the Right to Organize and Bargain Collectively in 1962 (under the previous regime), but it has not ratified Convention 87 on Freedom of Association.

b. The Right to Organize and Bargain Collectively

Although the Libyan Labor Code provides for collective agreements, there is no collective bargaining in Libya. The ILO's Committee of Experts (COE), for a number of years including 1989, has noted that the conditions which are laid down in the Labor Code for the validity of collective agreements are contrary to provisions of ILO Convention 98

requiring free and voluntary negotiation of collective agreements.

c. Prohibition of Forced or Compulsory Labor

Libya has ratified the two ILO Conventions dealing with forced labor. The ILO's COE, in its 1989 Report, noted that "persons expressing certain political views or views ideologically opposed to the established political, social or economic system may be punished with penalties of imprisonment... involving...an obligation to perform labor." It also noted that public employees in Libya can be imprisoned and sentenced to compulsory labor "...as a punishment for breaches of labour discipline or for participation in strikes even in services whose interruption would not endanger the life, personal safety, or health of the whole or part of the population."

d. Minimum Age for Employment of Children

No information is available regarding employment of children in Libya. In general, there is no evidence that child labor is a widespread practice.

e. Acceptable Conditions of Work

Libya maintains a work force of around 1 million workers in a population of 3.7 million. There is no minimum wage rate set by law. The legal maximum workweek is 48 hours. Libyan labor law defines the rights and duties of workers, and such aspects as compensation, pension rights, minimum rest periods, and length of the workday. Information on health and safety standards is not available.

Libyan labor law does not apply to the 300,000 foreign workers in Libya, who do much of the blue-collar and technical work. Their permission to stay in the country extends only for the duration of the contracts under which they are employed. Foreign workers are subject to arbitrary pressures, such as changes in work rules and contracts, with little option but to accept or to depart the country, often without full compensation for work already performed. The conditions of their employment are subject to negotiation between the worker and the employer. Foreign workers who are not under contract enjoy no protection and in past years have been expelled for such infractions as supporting or organizing strikes.